

**UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF MARYLAND
Baltimore Division**

IN RE:

HENRY A. BENDT, SR.
GWENDOLYN L. BENDT
Debtor(s)

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Case No.: 06-12403-DK

Chapter 13

OBJECTION TO DEBTORS' MOTION TO MODIFY CHAPTER 13 PLAN

Gerard R. Vetter, Chapter 13 Trustee, ("Trustee"), files this Objection to Debtors' Motion to Modify Chapter 13 Plan (Doc. 85) (the "Debtors' Motion to Modify"), and states as follows:

1. On September 22, 2008, the Debtors filed the Debtors' Motion to Modify, proposing to reduce the monthly Plan payment from \$441.00 to \$172.00 for the remaining 32 months of the 60-month term of the Plan.

2. The Debtors' Motion to Modify, however, has failed to meet the liquidation test requirements of Section 1325(a)(4) because, with the death of Mr. Bendt, the three pieces of real property are no longer owned as tenants by the entirety. Accordingly, the Debtors' Modified Plan must pay all claims in full.

3. The Debtors have failed to comply with the Order Upon Request to Modify Chapter 13 Plan After Confirmation entered September 25, 2008 (Paper 86) in that the Debtors have not filed a Notice stating that a proposed Modified Plan has been filed, noting the right to object and the date of the hearing for any objection that may be filed.

4. The Certification filed on September 30, 2008 (Doc. 88) does not comply with Local Rule 9013-4(c), in that it does not list the names and addresses of the persons served.

WHEREFORE, the Trustee requests that this Honorable Court deny the Debtors' Motion to Modify Chapter 13 Plan until the Debtor has taken the necessary action to address the foregoing objections, and grant such other and further relief as may be necessary.

/s/ Gerard R. Vetter
Gerard R. Vetter
Chapter 13 Trustee
100 S. Charles Street, Suite 501
Tower II
Baltimore, Maryland 21201-2721
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CERTIFICATE OF SERVICE

I hereby certify that on November 10, 2008, to the extent that the following persons were not served electronically via the CM/ECF system, I caused a copy of the paper above referenced to be sent, by First Class U.S. Mail, postage prepaid to:

Henry A. Bendt, Sr.
Gwendolyn L. Bendt
527 South Caton Avenue
Baltimore, MD 21229

Robert E. Molloy, Esquire
Robert E. Molloy and Associates, P.A.
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Odenton, MD 21113
Counsel for Debtor

/s/ Gerard R. Vetter
Gerard R. Vetter